

BEFORE THE BOARD OF ARCHITECTURAL EXAMINERS

STATE OF IDAHO

In the Matter of the License of:

JAMES GREGORY REAVES,
License No. AR-986412,

Respondent.

Case No. ARC-2018-3

**STIPULATION AND
CONSENT ORDER**

WHEREAS, the Idaho Board of Architectural Examiners ("Board") has received information that constitutes sufficient grounds for the initiation of an administrative action against James Gregory Reaves ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

I.
STIPULATED FACTS AND LAW

1. The Board regulates the practice of architecture in the State of Idaho in accordance with Title 54, Chapter 3 of the Idaho Code.

2. The Board issued License No. AR-986412 to Respondent to practice architecture in the State of Idaho. Respondent's license is subject to the provisions of Title 54, Chapter 3, of the Idaho Code, and the Board's rules as promulgated at IDAPA 24.01.01, *et seq.*

3. Respondent is an architect and partner at Safdie Architects, which is based in Somerville, Massachusetts. Respondent is a licensed architect in Idaho, New York, and South Carolina.

STIPULATION & CONSENT ORDER - 1.

4. On June 8, 2018, Respondent first obtained his Idaho architecture license.

5. On or around May 16, 2018, Respondent submitted an application to the Board for an Idaho architecture licensure. As part of the application, Respondent “yes” to the following question: “Have you solicited work or practiced architecture or represented yourself as an architect in this state prior to this application?”

6. In submitting his license application to the Board, Respondent also included a letter. In his letter, Respondent stated that his firm, Safdie Architects, teamed up with a Boise-based architecture firm, CSHQA, to pursue the design of the new Main Library located at 715 S. Capitol Boulevard in Boise, Idaho. Safdie Architects and CSHQA were subsequently awarded the architectural project. Consequently, Respondent stated that he was applying for an Idaho architecture license by endorsement.

7. In pursuing a contract to design the new Main Library, Respondent provided or offered to provide architectural services in Idaho prior to obtaining an Idaho license. Respondent solicited architectural work and provided architectural planning, advice, and/or consultation as part of the process of being awarded the project.

8. The allegations set forth above constitute a violation of the laws governing the practice of architecture in the State of Idaho, specifically Idaho Code §§ 54-305(1) (stating that every person practicing or offering to practice architecture in Idaho must be licensed); 54-314(1)(g) (stating that the Board may discipline any person “practicing architecture or representing oneself as a licensed architect when unlicensed”); and 54-314(1)(l) (stating that the Board may discipline any licensee who violates any provision of the Board’s laws or rules). Violations of these laws constitute grounds for disciplinary action against Respondent’s license to practice architecture in the State of Idaho.

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II.
WAIVER OF PROCEDURAL RIGHTS

In entering into this Stipulation and Consent Order (“Stipulation”), Respondent (or Respondent’s legally authorized representative) acknowledges the following:

9. Respondent understands and admits the allegations pending before the Board as set forth in Section I. Respondent further understands that these allegations constitute cause for disciplinary action upon Respondent’s license to practice architecture in the State of Idaho.

10. Respondent understands that Respondent has the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of architecture in the State of Idaho. Respondent hereby freely and voluntarily waives these rights in order to enter into this Stipulation as a resolution of the pending allegations.

11. Respondent understands that in signing this Stipulation, Respondent is enabling the Board to impose disciplinary action upon the right to future licensure without further process.

III.
STIPULATED DISCIPLINE

12. Respondent acknowledges and agrees that the following discipline imposed for the violations set forth herein is reasonable under the circumstances, although not binding upon the Board.

Fines, Costs, and Fees

- a. Respondent shall pay to the Board an administrative fine in the amount of \$500.00 within one hundred eighty (180) days of the entry of the Board's Order.
- b. Respondent shall pay attorney fees in the amount of \$600.00 within one hundred eighty (180) days of the entry of the Board's Order.
- c. If Respondent fails to pay the administrative fine and attorney fees in accordance with the terms set forth in this Stipulation, Respondent shall be ineligible to renew License No. AR-986412 or obtain any other license issued by the Board until such fines, costs, and attorney fees are paid in full to the Board.

Miscellaneous Provisions

- d. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.
- e. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board, therefore, retains jurisdiction over this proceeding until all matters are resolved as set forth in this Stipulation.

IV.
PRESENTATION OF STIPULATION TO BOARD

13. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.
14. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects this Stipulation, an administrative Complaint may be filed

against Respondent with the Board. In the event this Stipulation is rejected and an administrative Complaint is filed, Respondent waives any potential right to challenge the Board's impartiality to hear the allegations in the Complaint based on the Board's consideration and rejection of this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

15. If the Board rejects this Stipulation, with the exception of Respondent's waiver set forth in the preceding paragraph, this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing. Additionally, and with the exception of Respondent's waiver set forth in the preceding paragraph, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

**V.
VIOLATION OF STIPULATION AND CONSENT ORDER**

16. In the event Respondent violates or fails to timely comply with any term or condition of this Stipulation, the Board shall be authorized to take additional disciplinary action pursuant to the following procedures and without regard to any other requirement set forth in the Idaho Code, IDAPA rules, or any other statutory or regulatory provision:

- a. The Chief of the Bureau of Occupational Licenses shall serve notice of the charges levied against Respondent to Respondent or Respondent's attorney, if any. Within twenty-one (21) days after the notice of the charges are served, Respondent may submit both a response (along with supporting documentation) to the allegations and specifically request a hearing before the Board. If Respondent does not submit a timely response, the alleged violations will be deemed admitted. If Respondent

does not submit a timely and specific request for a hearing, Respondent waives any right to such hearing.

- b. At the hearing, if any, the Board and Respondent may submit evidence and present oral argument in support of their positions. Unless otherwise ordered by the Board, oral arguments and the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation. At the hearing, the facts and substantive matters related to the violations described in Section I of this Stipulation shall not be at issue.
- c. At the hearing, the Board may impose additional discipline, including, but not limited to, the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and fees (including, but not limited to, attorney fees) incurred by the Board, and other conditions or limitations upon Respondent's practice.

17. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

18. The Board shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Stipulation without further administrative hearing in the event Respondent fails to comply with the terms of this Stipulation.

19. A faxed or scanned executed copy of this Stipulation shall be sufficient and the same as the original signed document.

20. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

VI.
ACKNOWLEDGMENT

I have read the attached Stipulation in its entirety and have had the opportunity to discuss it with legal counsel. I understand that, by its terms, I am waiving certain rights accorded me under Idaho law. I understand that the Board may approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 16 day of January, 2019.

REDACTED

JAMES GREGORY REAVES
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 16 day of January, 2019.

NAYLOR & HALES, P.C.
REDACTED

By
Eric F. Nelson, Prosecutor
Idaho Board of Architectural Examiners

ORDER

Pursuant to Idaho Code § 54-312, the foregoing is adopted as the decision of the Idaho Board of Architectural Examiners in this matter and shall be effective on the 30 day of January, 2019. IT IS SO ORDERED.

IDAHO STATE BOARD OF
ARCHITECTURAL EXAMINERS

By REDACTED
Board Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2019, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

James Gregory Reaves
REDACTED

U.S. Mail
 Certified Mail, Return Receipt Requested
 Fax Transmission

Eric F. Nelson
Naylor & Hales, P.C.
950 W. Bannock St., Ste. 610
Boise, ID 83702

U.S. Mail
 Hand Delivered
 Email: REDACTED
 Fax Transmission
383-9516

REDACTED

Kelley Packer, Chief
Bureau of Occupational Licenses

10447_01 Stipulation